

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

Don Cornelius Hill,	)	Civil Action Number 5:22-cv-00850-SAL
	)	
Petitioner,	)	
v.	)	<b>OPINION AND ORDER</b>
	)	
Warden of FCI Edgefield,	)	
	)	
<u>Respondent.</u>	)	

This matter is before the court for review of the November 16, 2022 Report and Recommendation (“Report”) of United States Magistrate Kaymani D. West made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 32.] In the Report, the Magistrate Judge recommends Respondent’s Motion for Summary Judgment, ECF No. 20, be granted and the Petition for writ of habeas corpus be denied and dismissed without prejudice. *Id.* Plaintiff did not file objections to the Report, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). With no objections, the court need not explain its reasons for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4<sup>th</sup> Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 32, and incorporates the Report by reference. Accordingly, Respondent's Motion for Summary Judgment is **GRANTED** and Petitioner's petition for writ of habeas corpus is **DENIED** and **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

December 27, 2022  
Columbia, South Carolina

/s/Sherri A. Lydon  
Sherri A. Lydon  
United States District Judge